Health ('57) Dept

Memo 6585/57-IT

2 2-57

Backpapers

G.O 4355 Health

28/12/50.

licence – installation of an electric motor of 5 H.P in T.S 262 of 12th Ward

9147

VERY URGENT - R.P.A.D.
C2-24304/50.

Municipal Office, Mangalore,
Dated the 19th January, 1951.

From

Sri M. Sanjiva Talwar, B.A., B.L.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to Government,
Health Department, Madras.

Thro'

The Director of Public Health, Madras &
The Chairman, Municipal Council, Mangalore.

Sir,

Sub: Licence - Installation of an electric motor of 3 H.P. in T.S. No. 262 of 12th ward.

Messrs. Mallya Nayak and Company, Mangalore have applied for permission to instal an electric motor of 3 H.P. for working a vacuum sealing plant in their Cashew Nut factory situated in T.S. No. 262 of 12th ward. The site being in the notified residential area, permission applied for was refused.

Messrs. Mallya Nayak and Company have now appealed to the Council against the orders and the Council in their Resolution No. 80 dated 12-1-51 have resolved to address the Government for the required exemption, for reasons stated in the appeal.

In enclosing herewith a copy of the appeal petition dated 4-12-50, Council Resolution No. 80 dated 12-1-51 and the file of back papers R.Dis.15802/50 containing 28 pages I request that suitable orders may please be passed on the resolution of the Council.

Commissioner, M.M.

Encls: 2.
Forwarded

Chairman, M.C.
L/23.1.
compd:-

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH
5-FEB1951
MADRAS

R.No. 9147-1 Hyg(2)/51 Office of the Director of Public Health, Madras. Dated :9.2.51.

Forwarded.

2. The Installation of electric motors in notified residential areas is against the provisions of Sec. 92 of the Madras Public Health Act, No exemption is permissible.

for Director of Public Health, Madras.

To

The Secretary to Government,
Health Department, Madras.

CNR 12.2.51.

12.2.51

BEFORE THE CHAIRMAN-IN-COUNCIL, MANGALORE MUNICIPALITY, MANGALORE.

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Appeal No. of 1950.

Messrs. Mallya Nayak Co., represented by (partner or proprietor) } Appellants.

Appeal against the order R.Dis.15802/50 dated 3-1950 of the Commissioner of the Mangalore Municipality refusing permission for the installation of an electric motor of 3 H.P. in T.S. No. 262 of 12th ward.

The appellant abovenamed begs to state as follows:-

1. The order of the Commissioner refusing permission for the installation of 3 H.P. electric motor in T.S. No. 262 of 12th ward is inequitable and appears to have been passed without taking into consideration the facts of the case.

2. The Commissioner has refused permission to instal the electric motor of 3 H.P. on the sole ground that the site is situated within the notified residential area forgetting the fact that the appellantIs factory has been in existence from the last 25 years within this alleged notified residential area and none of the residents of the neighbourhood of this factory had any cause to complain about the existence of the appellant's factory within this residential area of its working.

3. That the existence of this factory in this alleged notified residential area has so far not been objected to either by the Govelnment or the Municipality becuase the frying of cashewnuts, etc. is not done in this factory and there is no nuisance of soot or smoke to the neighbours. Only peeling is done in this factory and there cannot be therefore any nuisance.

4. That permission is sought only for installation of a 3 horse-power and not an oil engine and there cannot therefore exist any objection on the part of the neighbours for there will be neither smoke ø nor noise by the working of the said me electric motor.

5. Further the installation of the electric motor is not for the purpose of frying cashewnuts or for doing anything which is likely to give out smoke or soot but is sought to be fitted only for the packing of peeled cashewnuts before shipping the same to the United States of America. The appellant submits that there cannot be any objection for the installation of the electric motor in the factory for, such installation would not give rise to any kind of nuisance.

6. That even if there is any sort of apprehension that the installation of an electric motor of 3 horse-power would give rise to a nuisance, the appellant submits that the necessary conditions regarding the working of the said motor may be imposed upon the appellant while granting the permission and the appellant will work the said motor strictly in accordance with the said conditions without giving cause for any complaint either by the authorities or the neighbours.

7. That it is needless to say that the cashewnut industry is one of the important industries of this district and the large shipments of peeled cashewnuts are mainly made to the United States of America which will help our Union Government to earn the much needed dollars.

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8. That before the disposal of this appeal the Chairman-in-Council may, if necessary, hold a local inspection of the factory.

9. The appellant, therefore, prays that the Chairman-in-Council may be pleased to allow this appeal and grant permission to the appellant for the installation of a 3 H.P. electric motor as prayed for, in the factory.

Mangalore,)
4-12-1950.)

Sd/xx xx xx
For MALLYA NAYAK COMPANY,
PARTNER.

True copy)

Municipal Office, Mangalore,)
Dated the 19th January,1951.)
L/compd:-

Commissioner,
Mangalore Municipality.

5

proceedings of the

Extract from the meeting of the Municipal Council, Mangalore dated the 12th January, 1951.

xx xx xx

RESOLUTION NO.80.

Read:- C2-24304/50 - Appeal petition dated 4-12-1950 from Messrs. Mallya Nayak & Co. against the orders of Commissioner, refusing permission for the installation of an electric motor of 3 H.P. in T.S. No. 262 of 12th ward and the file of papers.

Government may be addressed for the required exemption for the reasons stated in the petition.

(Sd) L. C. Pais,
Chairman, M..C.

(True extract)

Commissioner,
Mangalore Municipality.

Municipal Office, Mangalore,)
Dated the 19th January, 1951.)
L/compd:-

Health (T) Deptt.

From the Commr., Mangalore Municipality, C2.24304/50. dated 19.1.1951.

From the D.P.H., R.No.9147-1.Hyg.(2)/51. dt. 9.2.1951

SUB: Licence - Mangalore Municipality - Installation of an electric motor of 3 H.P. in T.S.No.262 - Grant of permission.

Memo. 6585/57-1 T Health dt 20.2.57

The Commr., Mangalore Municipality is informed that the installation of an electric moto for working the Vacuum Sealing plant by M/s Mallya Nayak & Co., in T S no 262 of the Mangalore municipality cannot be permitted. ~~His attention is invited to~~ in view of the provisions of section 92 of the M.P.H. Act.

20.2.57

To
The Commr., Mangalore Municipality (with (W) in original by R.P.)
The D.P.H.
S/C.

16/2/57

Note: Please see the letter of the Commr., Mangalore Municipality at page 1 c.f. and the recommendation of the D.P.H. at page 2 c.f. The draft ~~overleaf~~ above is for approval.

20.2.57

16/2